

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LEVI L. POWELL,)	
)	
Plaintiff,)	4:10CV3086
)	
v.)	
)	
UNION PACIFIC RAILROAD)	MEMORANDUM AND ORDER
COMPANY, a Delaware corporation,)	
)	
Defendant.)	

The defendant has moved to change the place of trial to North Platte, Nebraska. Filing No. 7). The plaintiff does not oppose the defendant's motion. Filing No. 11.

Based on the evidence of record, plaintiff's accident occurred near Gibbon, Nebraska, and the plaintiff resides near Hershey, Nebraska, both of which are much nearer to North Platte than Lincoln, Nebraska; the individuals with knowledge relevant to plaintiff's liability claims are located in or near North Platte or Kearney, Nebraska; plaintiff received medical care from providers located in North Platte and Ogallala, Nebraska; and a companion federal case arising from the same accident is already pending on the North Platte trial docket.

For the convenience of the parties and the witnesses, ([NECivR 40.1\(b\)\(1\)](#)),

IT IS ORDERED:

- 1) The defendant's motion to change the place of trial, (filing no. 7), is granted.
- 2) Trial of this case will be held in North Platte, Nebraska.

DATED this 27th day of July, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge